

RE: Petition to withdraw holding of abandonment for Patent 09/916,701, "Method for Shifting the Bandgap Energy of A Quantum Well Layer"

Dear Sir/Madam:

I called the paralegal of your "Office for Petition Examiner" and spoke to Mr. Tom Hawkins (703-305-8380) and he advised me to send you our document with respect to the above matter. Please process the enclosed document (total 26 pages).

We have been awaiting the award of the above patent that had been allowed on March 14, 2003. The patent office probably mistakenly abandoned the patent on ground that it did not receive our final set of drawings (See attached Document page 6) while we had actually sent them on time.

A petition to "withdraw holding of abandonment" was sent to the patent office to correct the error. This was sent by our patent lawyer Alan Limbach of Gray Cary on 9 September 03 (page 1 of enclosed Document) with the enclosure of a return postcard and document to show our timely mailing date of 22 July 03 (page 8 of enclosed Document). The letter showed our timely submittal and possible Patent Office error.

We have not heard from the Patent Office since and are eager to see the award of the patent. Please let me know if the patent will be awarded soon. In case there is any question, I can be contacted at 224-588-0958 (cell) or my assistant Dr. Jing Ma at 847-208-3918 at any time. Thanks.

Best regards,

Seng-Tiong Ho

120 Picardy Lane  
Wheeling, IL 60090  
224-588-0958

3 July 04

Atty Dckt Number: 2103248-990140PATENT

- 1 -

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BOON-SIEW OOI et al.

Application No. 09/916,701

Filed: July 26, 2001

For: METHOD OF SHIFTING THE  
BANDGAP ENERGY OF A QUANTUM  
WELL LAYER

Group Art Unit: 2812

Examiner: SAVITRI MULPURI

**PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT**2000 University Avenue,  
East Palo Alto, CA 94303-2248  
(650) 833-2000Commissioner for Patents  
PO Box 1450  
Mail Stop: Issue Fee  
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450, on September 9, 2003.

GRAY CARP WARE &amp; FRIEDENRICH

Date: 9/9/03

By: 

Linda West

Sir:

Applicants hereby petition to withdraw the holding of abandonment in the present application, as evidenced in the Notice of Abandonment mailed September 2, 2003 (copy submitted herewith).

According to the Notice of Abandonment, the present application was abandoned due to Applicants' alleged failure to timely file new formal drawings as required in the Notice of Allowability, namely that no new formal drawings were received.

Applicants submit that new formal drawings were indeed timely submitted in the present case. Submitted herewith is a true and correct copy of Applicant's response to the Notice of Allowance, which included:

1. Transmittal Form
2. PTOL 85B Fee Transmittal

Atty Dckt Number: 2103248-990140PATENT

- 2 -

3. Fee Transmittal.
4. Submission of Formal Drawings transmittal.
5. 13 Sheets of Formal Drawings.
6. Check for \$950.
7. Certificate of First Class Mailing
8. Return Postcard.


Also submitted herewith is a true and correct copy of the stamped postcard receipt, which is prima facie evidence under MPEP 503 of receipt in the USPTO of all items listed thereon, including the 13 sheets of formal drawings.

Therefore, it is respectfully requested that the abandonment of the present application be withdrawn.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: Sept. 9, 2003

By: 

Alan A. Limbach  
Reg. No. 39,749

Attorneys for Applicant(s)

TELEPHONE: (650) 833-2433 (direct line)  
TELECOPY: (650) 833-2001

Gray Cary\EM\7149888.1  
2103248-990140

AAL



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267

26379 7590 09/02/2003

GRAY CARY WARE & FREIDENRICH LLP  
2000 UNIVERSITY AVENUE  
E. PALO ALTO, CA 94303-2248

EXAMINER

MULPURI, SAVITRI

ART UNIT

PAPER NUMBER

2812

PH 12

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**DOCKETED****RECEIVED**

SEP - 8 2003

GRAY CARY  
& FREIDENRICH

Mail Stop Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mailed: September 9, 2003 Docket No. 2103248-990140  
U.S. Serial No. 09/916,701  
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

. 2103248-990140 Phosistor Technologies AAL/lmw

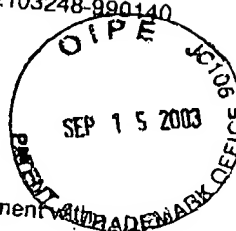
Mail Stop Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mailed: September 9, 2003 Docket No. 2103248-990140  
U.S. Serial No. 09/916,701  
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

. 2103248-990140 Phosistor Technologies AAL/lmw



Mail Stop Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

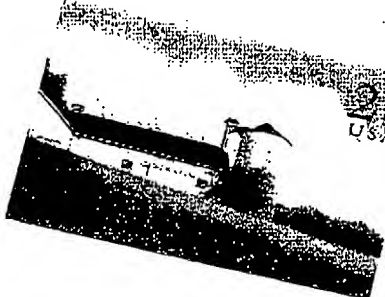
Mailed: September 9, 2003  
U.S. Serial No. 09/916,701  
Filed July 26, 2001

Docket No. 21037

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment;
- 3) Return postcard.

2103248-990140 Phosistor Technology, Inc.



GRAY CARY  
WARE & FREIDENRICH  
LIMITED LIABILITY PARTNERSHIP  
2000 University Avenue  
East Palo Alto, CA 94303-2248

Please type a plus sign (+) inside this box

PTO/SB/21 (08-00)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/916,701
		Filing Date	July 26, 2001
		First Named Inventor	Boon-Siew Ooi et al.
		Group Art Unit	2812
		Examiner Name	Savitri Mulpuri
Total Number of Pages in This Submission		Attorney Docket Number	2103248-990140

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Petition to Withdraw Holding of Abandonment
Remarks		

☒ Customer Number or Bar Code Label

26379

*(Insert Customer No. or Attach bar code label here)*

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GRAY CARY WARE &amp; FREIDENRICH LLP

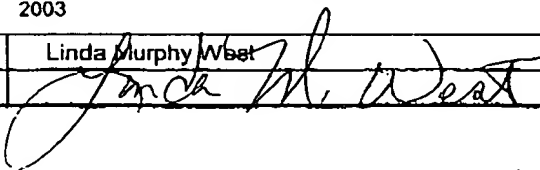
Dated: September 9, 2003

By: 

Attorney Name Alan A. Limbach  
 Reg. No. 39,749  
 Attorneys for Applicant(s)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box 1450, Alexandria, VA on this date: September 9, 2003

Typed or printed name	Linda Murphy West	Date	September 9, 2003
Signature			

Gray Cary\EM\7149934.1  
 2103248-990140

Gray Cary\EM\7149934.1  
 2103248-990140


**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/19/01

EXAMINER
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ART UNIT	PAPER NUMBER
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PH 12

DATE MAILED:

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted Issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☒ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

 ABANDONMENT  
 CONTACT PERSON IS:  
 TOM HAWKINS  
 305-8380



**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

PTO/SB/05 (05-03)

Approved for use through 04/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

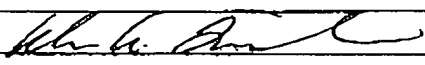
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/916,701	
	Filing Date	July 26, 2001	
	First Named Inventor	Boon Siew Ooi	
	Art Unit	2812	
	Examiner	Savitri Mulpuri	
Total Number of Pages In This Submission	21	Attorney Docket Number	2103248-990140


**ENCLOSURES** (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Fee Attached - \$950.00 <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) Formal - 13 sheets <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTOL-85 Part B (in duplicate) Letter to Draftsperson (in duplicate) Return Postcard
Remarks The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1898. A duplicate copy of this sheet is enclosed.		
Customer Number 26379		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Alan A. Limbach, Reg. No. 39,749 Gray Cary Ware & Freidenrich LLP
Signature	
Date	July 22, 2003

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed	Kathleen LaBrie		
Signature		Date	July 22, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/05 (05-03)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
For use through 04/30/2003. OMB 0851-0032

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 950.00)

## Complete If Known

Application Number	09/916,701
Filing Date	July 26, 2001
First Named Inventor	Boon siew Ooi
Examiner Name	Savitri Mulpuri
Art Unit	2812
Attorney Docket No.	2103248-990140

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit AccountDeposit  
Account  
Number  
Deposit  
Account  
Name

07-1896

Gray Cary Ware &amp; Freidenrich LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					0.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	=
Multiple Dependent	-3** =	X	=

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action -	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	650.00
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Publication Fee (\$300)					300.00
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					950.00

## SUBMITTED BY

Name (Print/Type)

Alan A. Limbach

Registration No.  
(Attorney/Agent)

39,749

(Complete if applicable)

Telephone 650-833-2433

Signature

Date

July 22, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-788-9199) and select option 2.

American LegalNet, Inc.  
www.USCourtForms.com

GRAY CARY WARE &amp; FREIDENRICH

401 B STREET, SUITE 2000 SAN DIEGO, CA 92101

CHECK NO.:

541016

INVOICE	DATE	AMOUNT	
7/21/03 22260-1	07-21-03	950.00	2103248-990140 K. LaBrie x2438
VENDOR ID: cpt			

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

GRAY CARY WARE &amp; FREIDENRICH

401 B STREET, SUITE 2000  
SAN DIEGO, CA 92101-4248COMERICA - Controlled Disb  
Comerica Bank & Trust, NA

74-478/724

CHECK NO. 541016

DATE 07/21/03

AMOUNT OF CHECK  
950.00

NINE HUNDRED FIFTY AND 00/100 U.S. Dollar

PAY  
TO THE  
ORDER OF

COMMISSIONER OF PATENTS &amp; TRADEMARKS

GRAY CARY WARE & FREIDENRICH  
GENERAL ACCOUNT

VOID AFTER 180 DAYS

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈ 541016 ⑈ ⑆ 072404786 ⑆ 2176989081 ⑈

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE  
 Commissioner for Patents  
 Washington, D.C. 20231  
**Fax** (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly check-up with any corrections of use BLOCK 1)

26379 7590 04/22/2003

GARY CARY WARE & FREIDENRICH LLP

1755 EMBARCADERO ROAD  
 PALO ALTO, CA 94303-3340

2000 University Avenue  
 Palo Alto, CA 94303-2248

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Kathleen LaBrie

(Depositor's name)

*Kathleen LaBrie*

(Signature)

July 22, 2003

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267

TITLE OF INVENTION: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A QUANTUM WELL LAYER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$1300	\$300	\$1600	07/22/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
MULPURI, SAVITRI	2812	438-022000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Gray Cary Ware &  
 Freidenrich LLP

2 \_\_\_\_\_  
 3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Phosistor Technologies,  
 Incorporated

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Pleasanton, California

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

☒ Issue Fee

☒ A check in the amount of the fee(s) is enclosed.

☒ Publication Fee

☐ Payment by credit card. Form PTO-2038 is attached.

☐ Advance Order - # of Copies \_\_\_\_\_

☒ The Commissioner is hereby authorized by charge the required fee(s) or credit any overpayment, to Deposit Account Number 07-1896 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

Attorney Docket No. 2103248-990140

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Boon-Siew Ooi

Group Art Unit: 2812

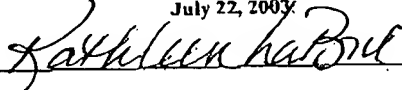
Serial No.: 09/916,701

Examiner: Savitri Mulpuri

Filed: July 26, 2001

Gray Cary Ware & Freidenrich LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2248Title: METHOD FOR SHIFTING THE BANDGAP  
ENERGY OF A QUANTUM WELL LAYERCertificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: MS ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:  
July 22, 2003.



\* \* \*

SUBMISSION OF FORMAL DRAWINGS

Attn.: Official Draftsperson  
MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
AUG 16 2004  
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PUBLISHING DIVISION

Dear Sir:

Applicant hereby submits thirteen (13) sheets of formal drawings in the above-identified patent application.

Please charge any fees for the submission of the formal drawings to Gray Cary Ware & Freidenrich LLP, deposit account 07-1896. A duplicate copy of this transmittal is enclosed if charge of additional fees is necessary.

GRAY CARY WARE &amp; FREIDENRICH LLP

Dated July 22, 2003By 

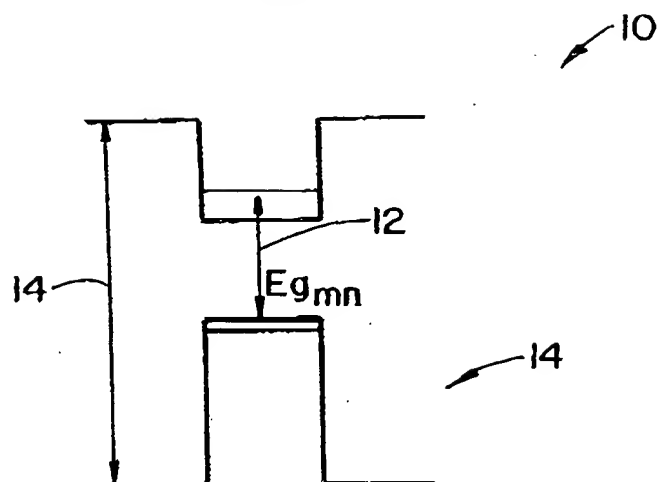
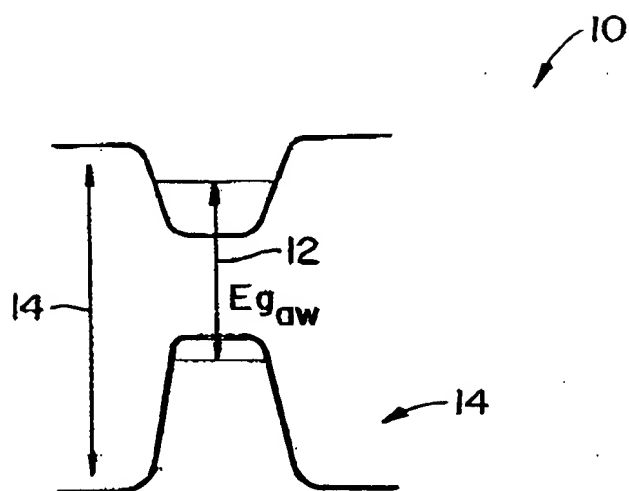
Alan A. Limbach

Reg. No. 39,749

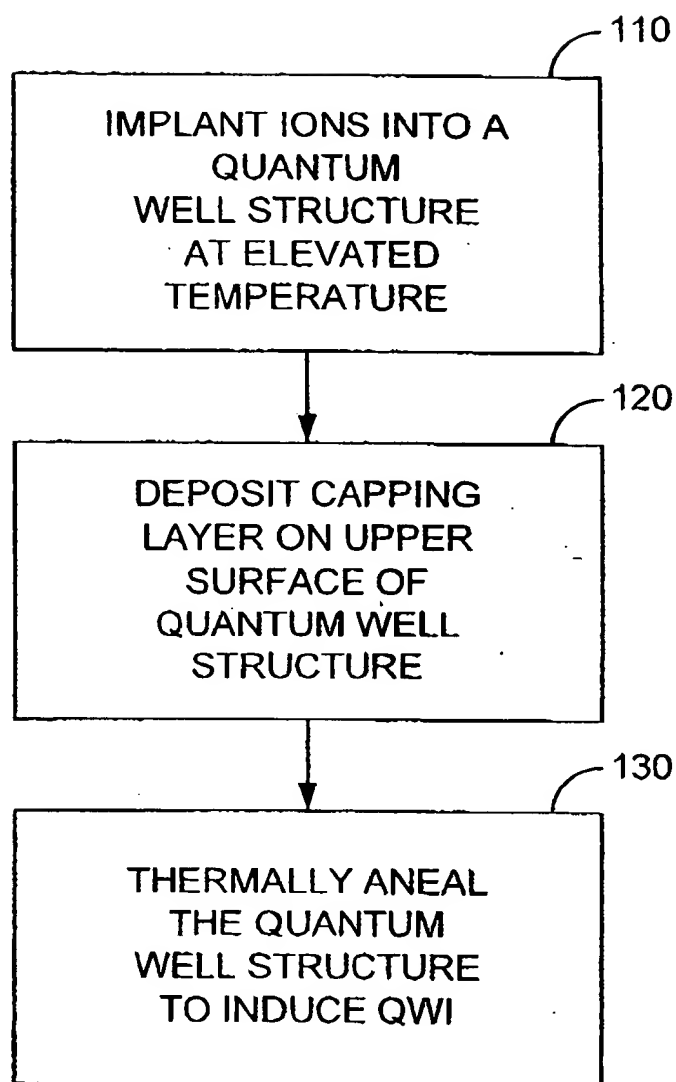
Attorney for Applicant(s)

Customer Number  
26379

1/13

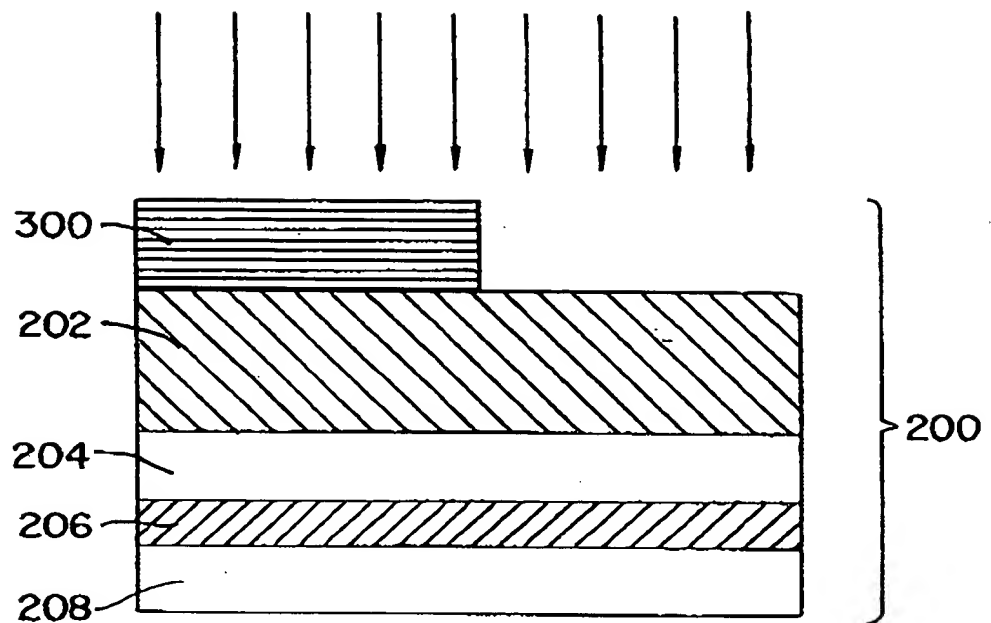
**FIG. 1A.****FIG. 1B.**

2/13

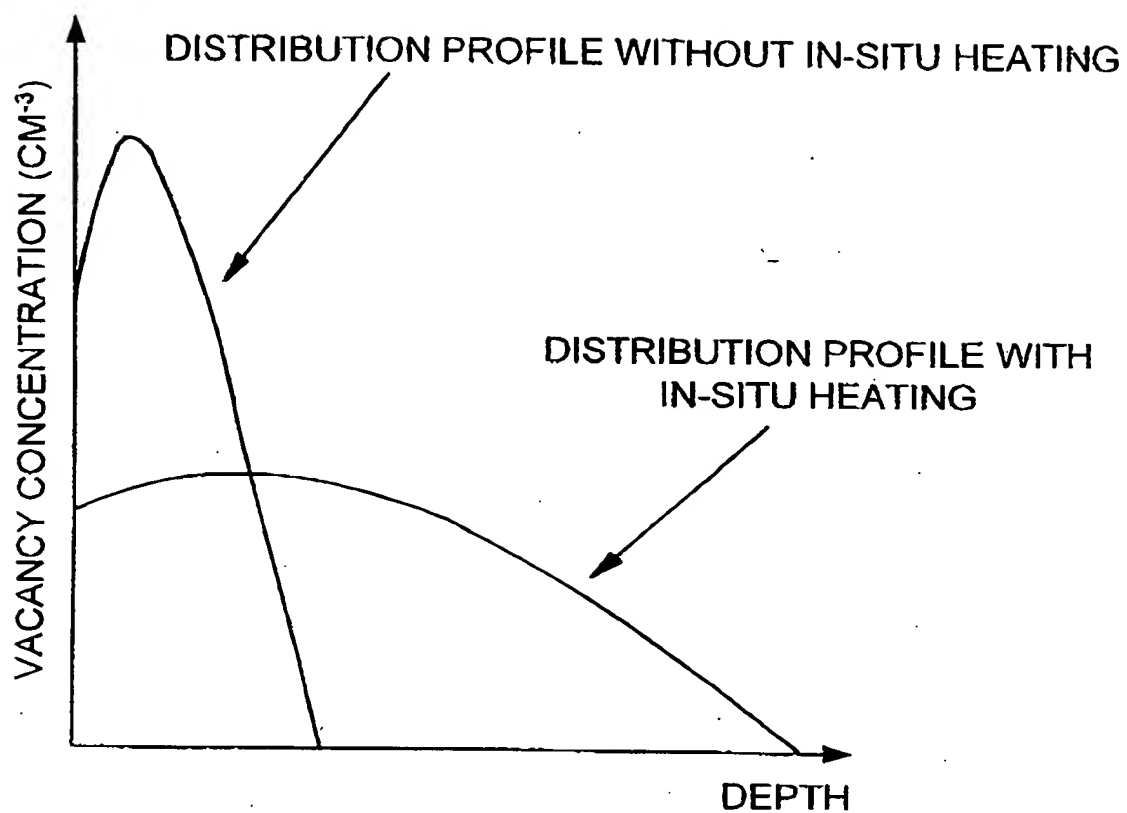
**FIG. 2.**



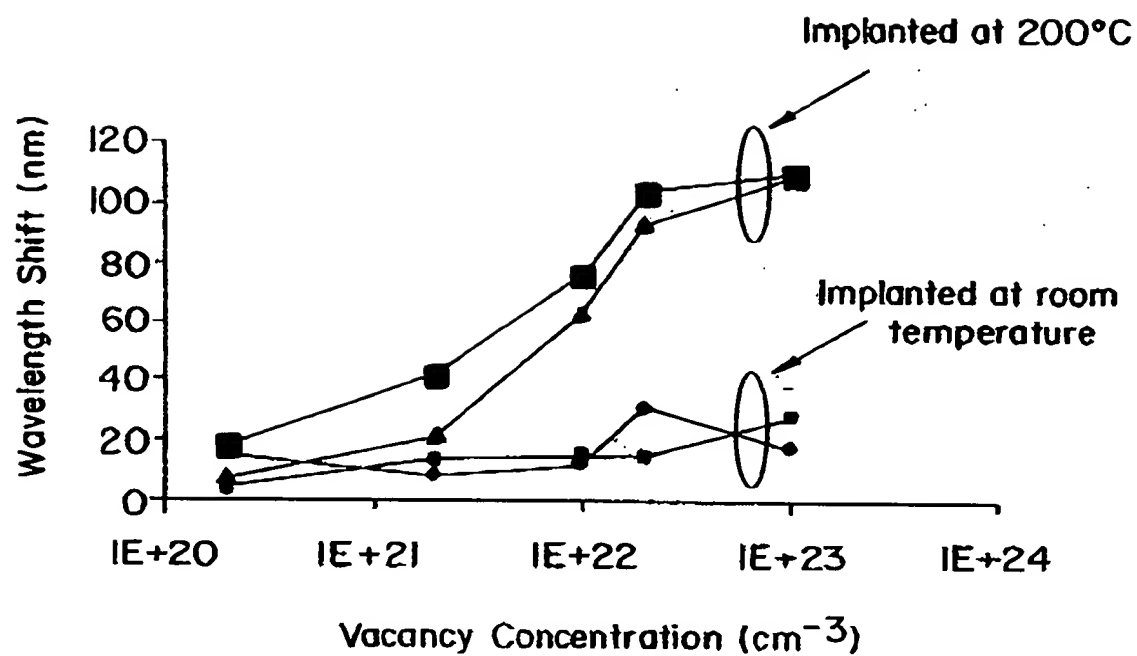
3/13

**FIG. 3.**

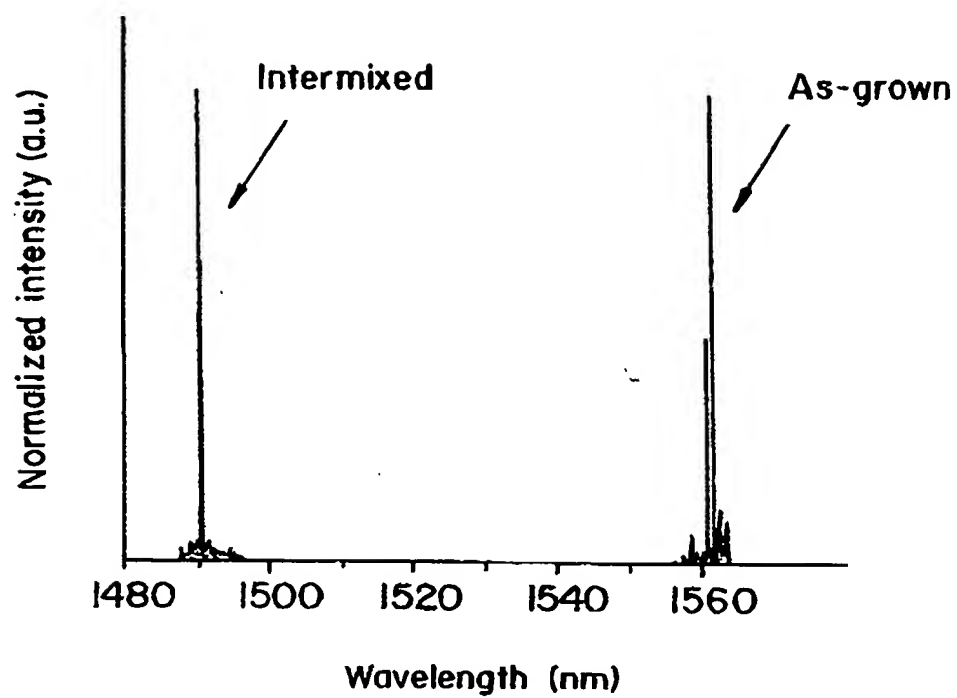
4/13

**FIG. 4.**

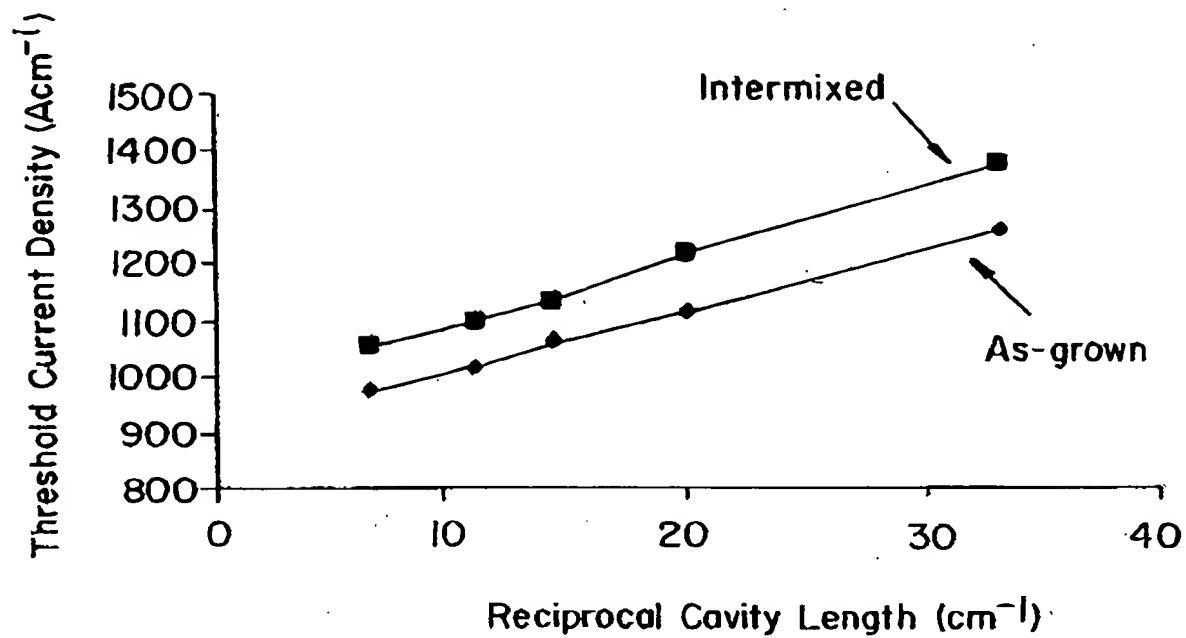
5/13

**FIG. 5.**

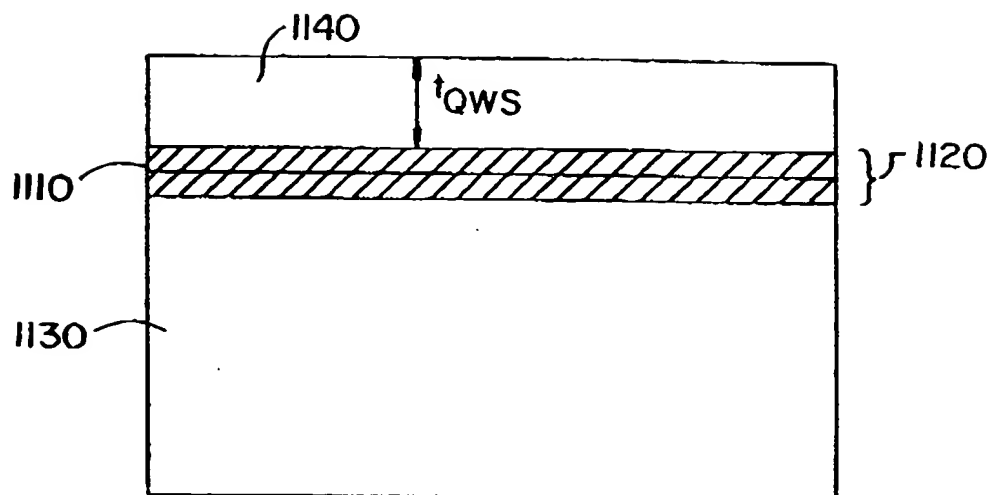
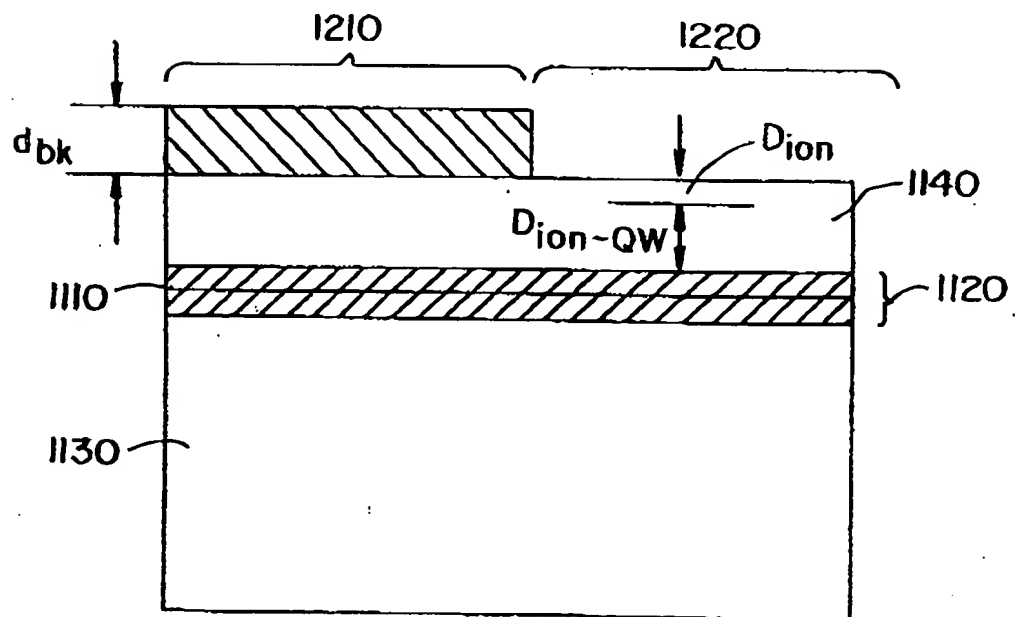
6/13

**FIG. 6.**

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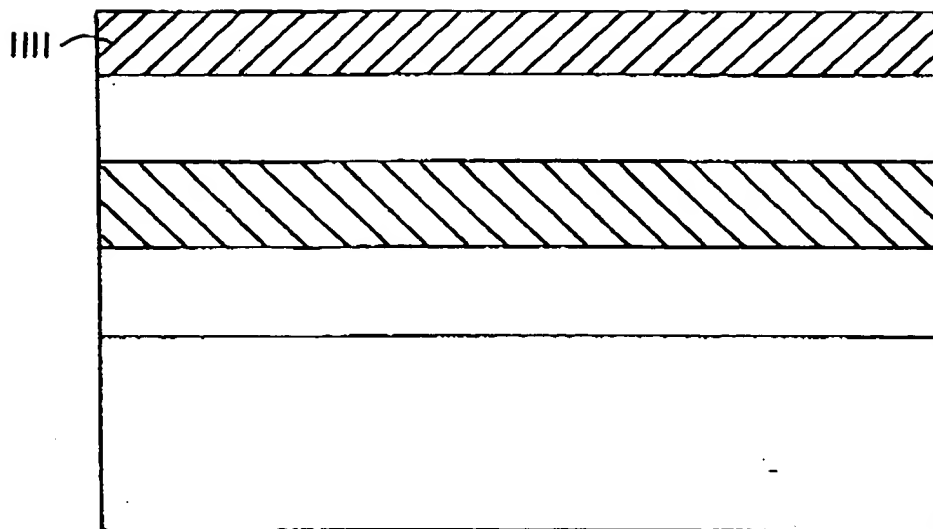
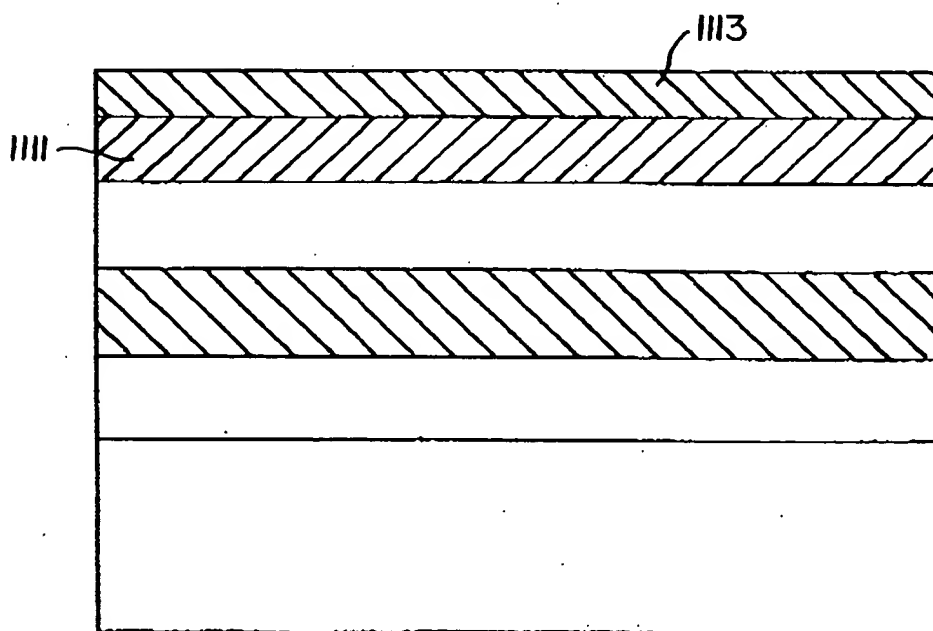
**FIG. 7.**

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**FIG. 8A.****FIG. 8B.**

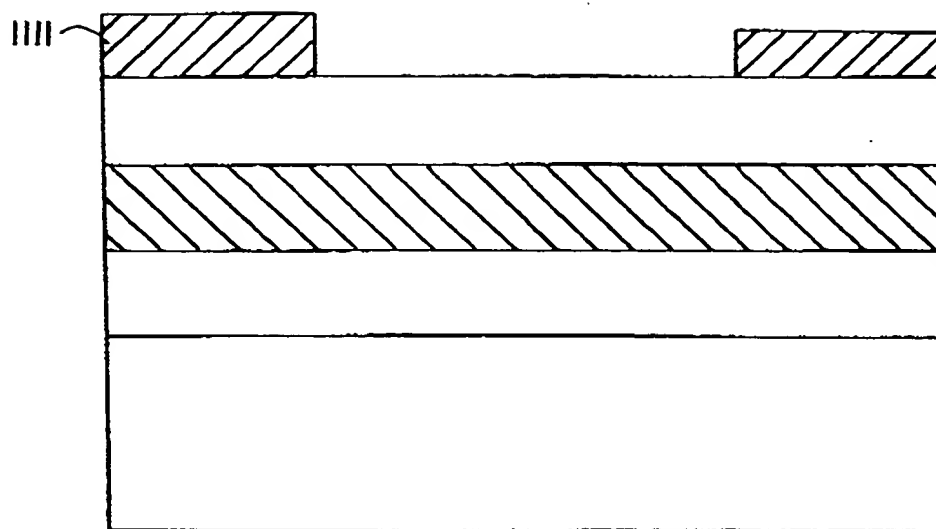
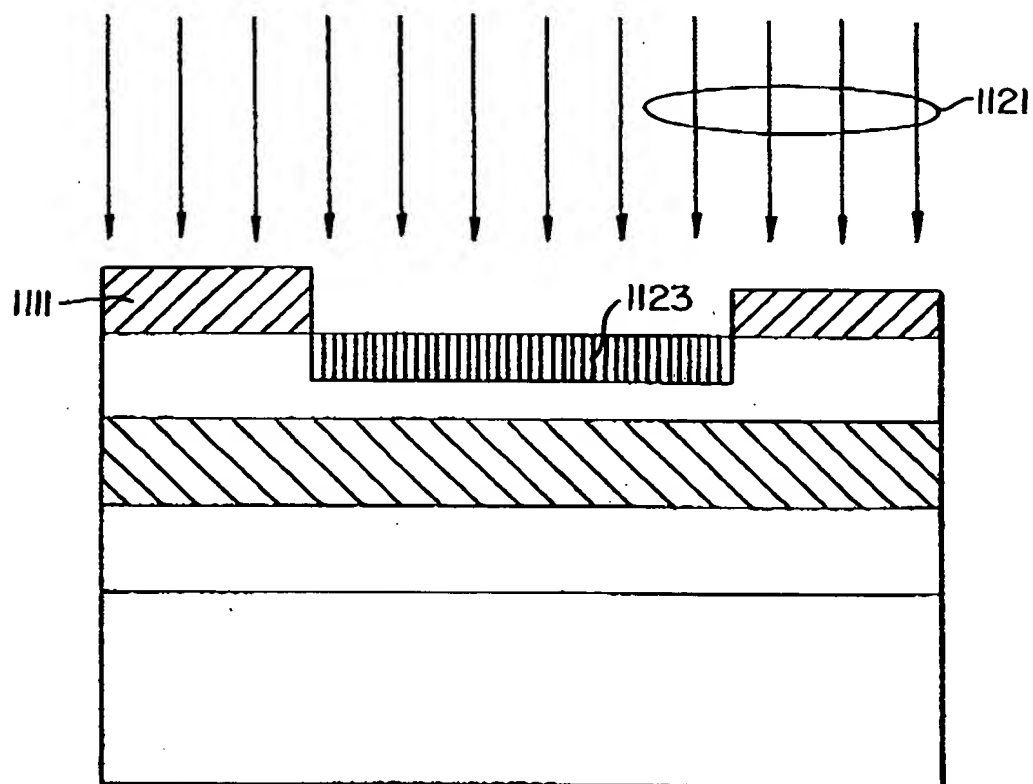


10/ 13

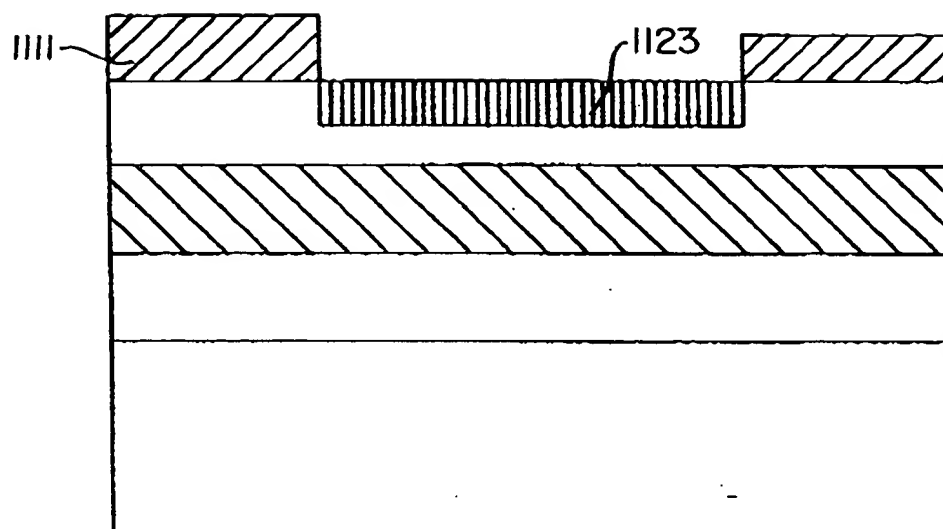
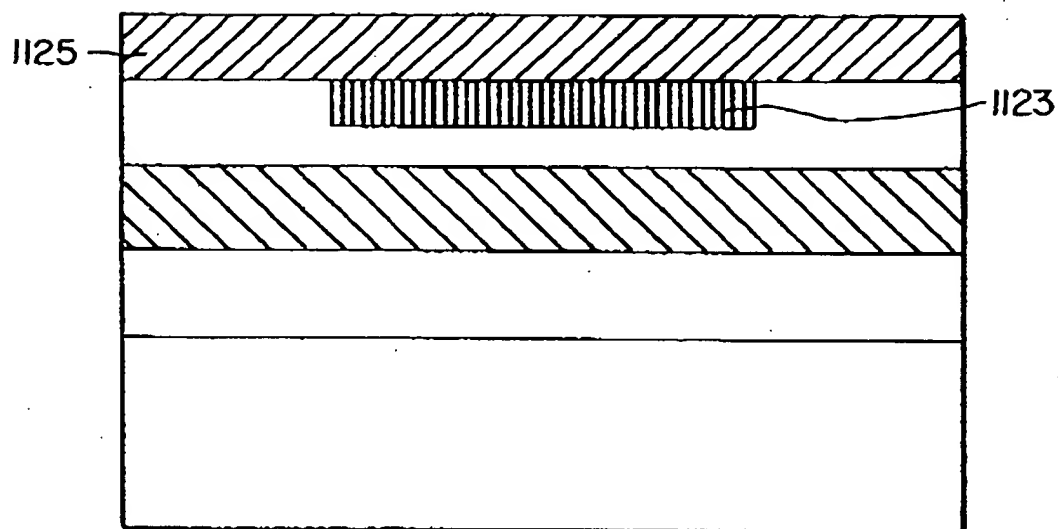
**FIG. 10A.****FIG. 10B.**



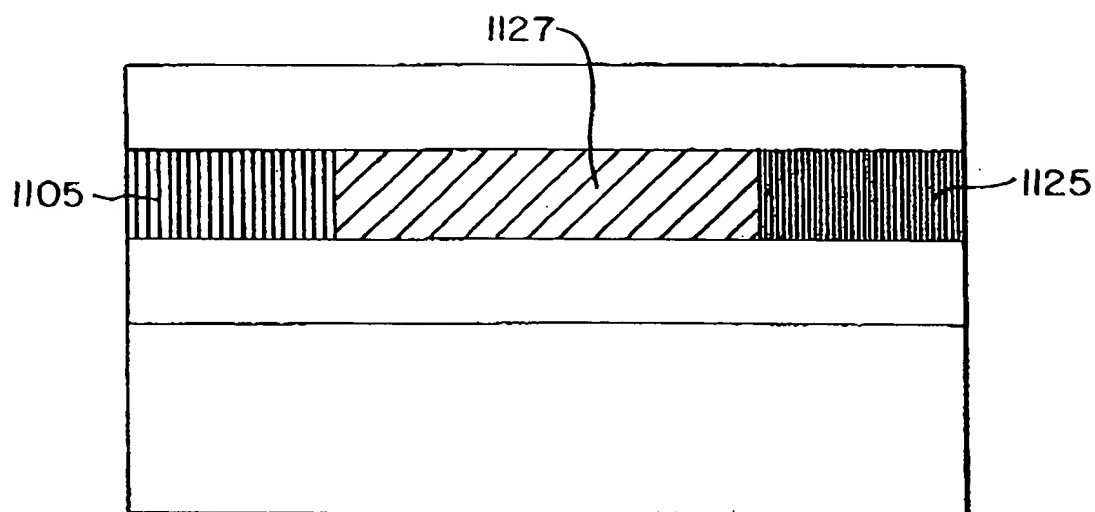
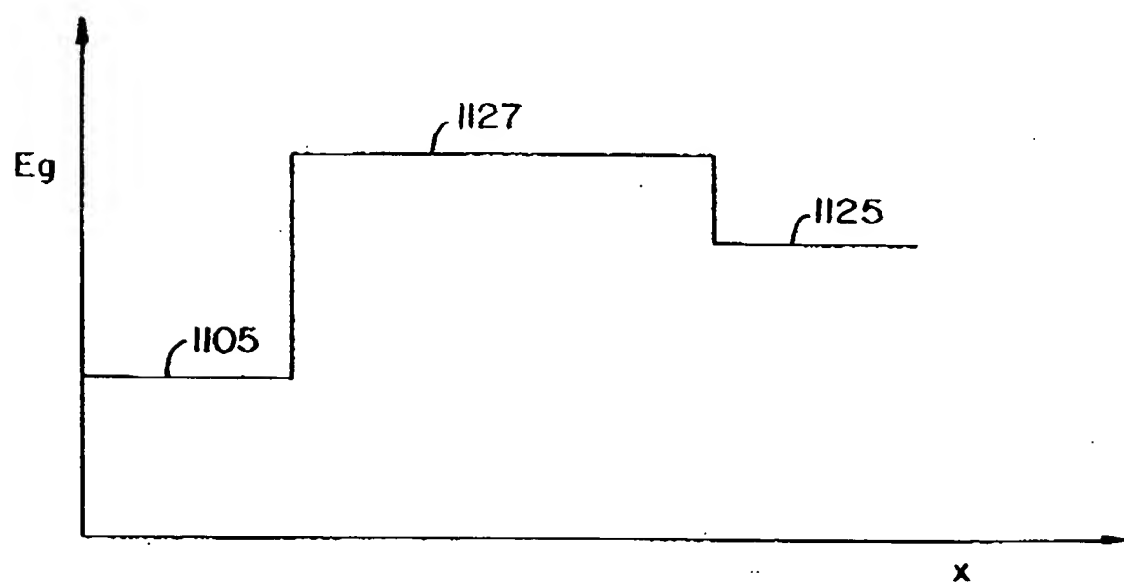
11/13

*FIG. 10C.**FIG. 10D.*

12/13

**FIG. 10E.****FIG. 10F.**

13/13

*FIG. 10G.**FIG. 10H.*

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mailing Date: July 22, 2003  
U.S. Serial No.: 09/916,701  
Filing Date: July 26, 2001  
Title: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A  
QUANTUM WELL LAYER

Enclosed are:

- 1) Transmittal Form (in duplicate);
- 2) PTOL 85B Fee Transmittal (in duplicate);
- 3) Fee Transmittal FY 2003 (in duplicate);
- 4) Submission of Formal Drawings Transmittal (in duplicate);
- 5) 13 Sheets of Formal Drawings;
- 5) Check in the amount of \$ 950.00;
- 6) Certificate of First Class Mailing; and
- 7) Return Postcard.

2103248-990140 (Phosistor)

22260/AAL/kl

21  
USA

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P.O. Box 1450  
Alexandria, VA 22313-1450

Mailing Date: July 22, 2003  
U.S. Serial No.: 09/916,701  
Filing Date: July 26, 2001  
Title: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A  
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- 5) 13 Sheets of Formal Drawings;
- 5) Check in the amount of \$ 950.00;
- 6) Certificate of First Class Mailing; and
- 7) Return Postcard.

2103248-990140 (Phosistor)



22260/AAL/kl

RE: **Petition to withdraw holding of abandonment** for Patent 09/916,701, "Method for Shifting the Bandgap Energy of A Quantum Well Layer"

Dear Sir/Madam:

I called the paralegal of your **"Office for Petition Examiner"** and spoke to Mr. Tom Hawkins (703-305-8380) and he advised me to send you our document with respect to the above matter. Please process the enclosed document (total 26 pages).

We have been awaiting the award of the above patent that had been allowed on March 14, 2003. The patent office probably mistakenly abandoned the patent on ground that it did not receive our final set of drawings (See attached Document page 6) while we had actually sent them on time.

A petition to "withdraw holding of abandonment" was sent to the patent office to correct the error. This was sent by our patent lawyer Alan Limbach of Gray Cary on 9 September 03 (page 1 of enclosed Document) with the enclosure of a return postcard and document to show our timely mailing date of 22 July 03 (page 8 of enclosed Document). The letter showed our timely submittal and possible Patent Office error.

We have not heard from the Patent Office since and are eager to see the award of the patent. Please let me know if the patent will be awarded soon. In case there is any question, I can be contacted at 224-588-0958 (cell) or my assistant Dr. Jing Ma at 847-208-3918 at any time. Thanks.

Best regards,

Seng-Tiong Ho

120 Picardy Lane  
Wheeling, IL 60090  
224-588-0958

3 July 04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BOON-SIEW OOI et al.

Application No. 09/916,701

Filed: July 26, 2001

For: METHOD OF SHIFTING THE  
BANDGAP ENERGY OF A QUANTUM  
WELL LAYER

Group Art Unit: 2812

Examiner: SAVITRI MULPURI

**PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT**

2000 University Avenue,  
East Palo Alto, CA 94303-2248  
(650) 833-2000

Commissioner for Patents  
PO Box 1450  
Mail Stop: Issue Fee  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450, on September 9, 2003.

GRAY CARY WARE & FRIEDENRICH Date: 9/9/03

By: 

Linda West

Sir:

Applicants hereby petition to withdraw the holding of abandonment in the present application, as evidenced in the Notice of Abandonment mailed September 2, 2003 (copy submitted herewith).

According to the Notice of Abandonment, the present application was abandoned due to Applicants' alleged failure to timely file new formal drawings as required in the Notice of Allowability, namely that no new formal drawings were received.

Applicants submit that new formal drawings were indeed timely submitted in the present case. Submitted herewith is a true and correct copy of Applicant's response to the Notice of Allowance, which included:

1. Transmittal Form
2. PTOL 85B Fee Transmittal

3. Fee Transmittal.
4. Submission of Formal Drawings transmittal.
5. 13 Sheets of Formal Drawings.
6. Check for \$950.
7. Certificate of First Class Mailing
8. Return Postcard.

Also submitted herewith is a true and correct copy of the stamped postcard receipt, which is prima facie evidence under MPEP 503 of receipt in the USPTO of all items listed thereon, including the 13 sheets of formal drawings.

Therefore, it is respectfully requested that the abandonment of the present application be withdrawn.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: Sept. 9, 2003

By: 

Alan A. Limbach  
Reg. No. 39,749

Attorneys for Applicant(s)

TELEPHONE: (650) 833-2433 (direct line)  
TELECOPY: (650) 833-2001



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267

26379 7590 09/02/2003

GRAY CARY WARE & FREIDENRICH LLP  
2000 UNIVERSITY AVENUE  
E. PALO ALTO, CA 94303-2248

EXAMINER

MULPURI, SAVITRI

ART UNIT PAPER NUMBER

2812

p#12

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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GRAY CARY  
& FREIDENRICH



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Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mailed: September 9, 2003 Docket No. 2103248-990140  
U.S. Serial No. 09/916,701  
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

. 2103248-990140 Phosistor Technologies AAL/lmw

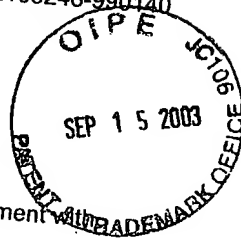
Mail Stop Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mailed: September 9, 2003 Docket No. 2103248-990140  
U.S. Serial No. 09/916,701  
Filed July 26, 2001

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment with Attachments; and
- 3) Return postcard.

. 2103248-990140 Phosistor Technologies AAL/lmw



Mail Stop Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

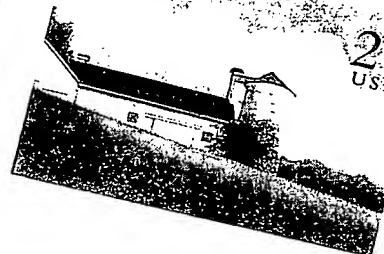
Mailed: September 9, 2003  
U.S. Serial No. 09/916,701  
Filed July 26, 2001

Docket No. 21037

Enclosed are:

- 1) Transmittal Cover Sheet;
- 2) Petition to Withdraw Holding on Abandonment;
- 3) Return postcard.

2103248-990140 Phosistor Technology, Inc.



GRAY CARY  
WARE & FREIDENRICH  
LIMITED LIABILITY PARTNERSHIP  
2000 University Avenue  
East Palo Alto, CA 94303-2248

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/916,701
		Filing Date	July 26, 2001
		First Named Inventor	Boon-Siew Ooi et al.
		Group Art Unit	2812
		Examiner Name	Savitri Mulpuri
Total Number of Pages in This Submission		Attorney Docket Number	2103248-990140

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Withdraw Holding of Abandonment
Remarks _____		

☒ Customer Number or Bar Code Label

26379

(Insert Customer No. or Attach bar code label here)

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GRAY CARY WARE &amp; FREIDENRICH LLP

Dated: September 9, 2003

By: \_\_\_\_\_

Attorney Name Alan A. Limbach  
 Reg. No. 39,749  
 Attorneys for Applicant(s)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box 1450, Alexandria, VA on this date: September 9, 2003

Typed or printed name	Linda Murphy West	Date	September 9, 2003
Signature	_____		

Gray Cary\EM\7149934.1  
 2103248-990140

Gray Cary\EM\7149934.1  
 2103248-990140



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER <i>09/916,701</i>	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---	-------------	-----------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER <i>PH#12</i>
----------	------------------------------

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☒ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380**

**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
  - 37 CFR § 1.10 "Express Mail" mailing
  - MPEP 503 Postcard Receipt as Prima Facie Evidence
- Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA  
22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916


Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>


**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/916,701
	Filing Date	July 26, 2001
	First Named Inventor	Boon Siew Ooi
	Art Unit	2812
	Examiner	Savitri Mulpuri
Total Number of Pages in This Submission	21	Attorney Docket Number
		2103248-990140

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Fee Attached - \$950.00 <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) Formal - 13 sheets <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTOL-85 Part B (in duplicate) Letter to Draftsperson (in duplicate) Return Postcard
Remarks The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.		
Customer Number 26379		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Alan A. Limbach, Reg. No. 39,749 Gray Cary Ware & Freidenrich LLP
Signature	
Date	July 22, 2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed	Kathleen LaBrie		
Signature		Date	July 22, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 950.00

### Complete if Known

Application Number 09/916,701  
Filing Date July 26, 2001  
First Named Inventor Boon siew Ooi  
Examiner Name Savitri Mulpuri  
Art Unit 2812  
Attorney Docket No. 2103248-990140

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 07-1896

Deposit Account Name Gray Cary Ware & Freidenrich LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0.00

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	0.00

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	650.00
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)				Publication. Fee (\$300)	300.00
SUBTOTAL (3)				(\$)	950.00

\*Reduced by Basic Filing Fee Paid

### SUBMITTED BY

Name (Print/Type) Alan A. Limbach  
Registration No. (Attorney/Agent) 39,749  
Telephone 650-833-2433  
Signature *Alan A. Limbach*  
Date July 22, 2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

American LegalNet, Inc.  
www.USCourtForms.com





# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE  
 Commissioner for Patents  
 Washington, D.C. 20231  
**Fax** (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

26379 7590 04/22/2003

GARY CARY WARE & FREIDENRICH LLP  
~~1755 EMBARCADERO ROAD~~  
~~PALO ALTO, CA 94303-3340~~  
 2000 University Avenue  
 Palo Alto, CA 94303-2248

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Kathleen LaBrie	(Depositor's name)
<i>Kathleen LaBrie</i>	(Signature)
July 22, 2003	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	07/26/2001	Boon-Siew Ooi	021040-000800US	9267

TITLE OF INVENTION: METHOD FOR SHIFTING THE BANDGAP ENERGY OF A QUANTUM WELL LAYER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	<del>NO</del> YES	\$1300	\$300	\$1600	07/22/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
MULPURI, SAVITRI	2812	438-022000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Gray Cary Ware & Freidenrich LLP  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Phosistor Technologies, Incorporated

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Pleasanton, California

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 07-1896 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

*[Signature]* July 23, 2003  
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Boon-Siew Ooi

Group Art Unit: 2812

Serial No.: 09/916,701

Examiner: Savitri Mulpuri

Filed: July 26, 2001

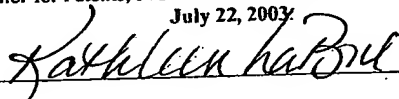
Gray Cary Ware & Freidenrich LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2248

Title: METHOD FOR SHIFTING THE BANDGAP  
ENERGY OF A QUANTUM WELL LAYER

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: MS ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

July 22, 2003.



\* \* \*

SUBMISSION OF FORMAL DRAWINGS

Attn.: Official Draftsperson  
MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits thirteen (13) sheets of formal drawings in the above-identified patent application.

Please charge any fees for the submission of the formal drawings to Gray Cary Ware & Freidenrich LLP, deposit account 07-1896. A duplicate copy of this transmittal is enclosed if charge of additional fees is necessary.

GRAY CARY WARE & FREIDENRICH LLP

Dated July 22, 2003

By

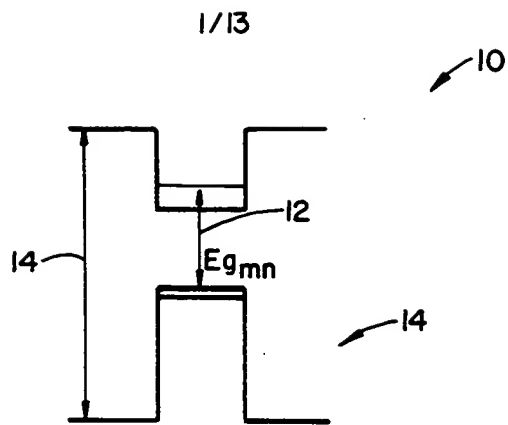


Alan A. Limbach

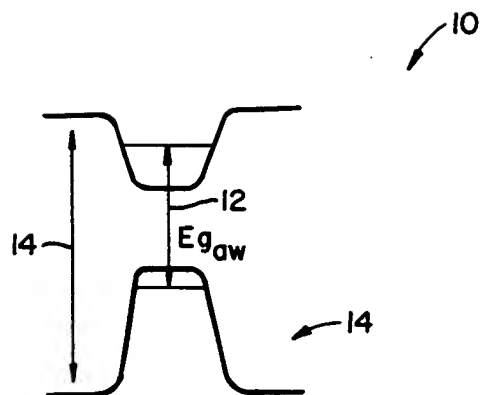
Reg. No. 39,749

Attorney for Applicant(s)

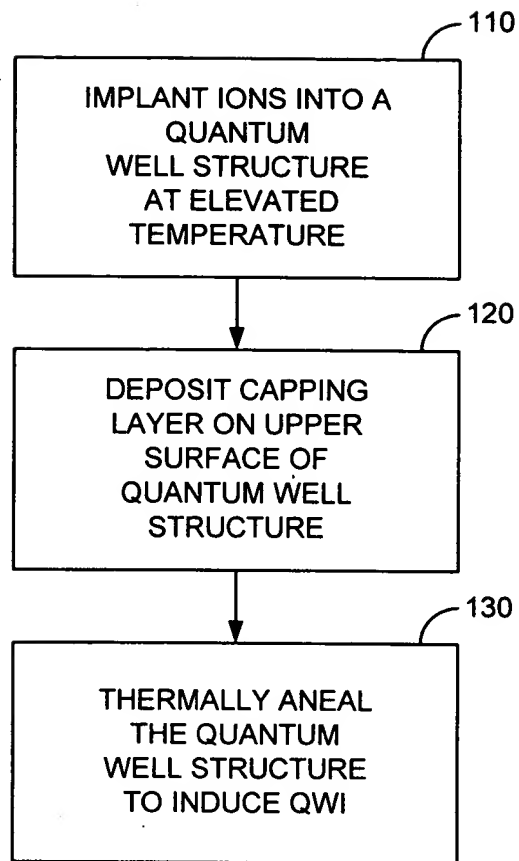
Customer Number  
26379



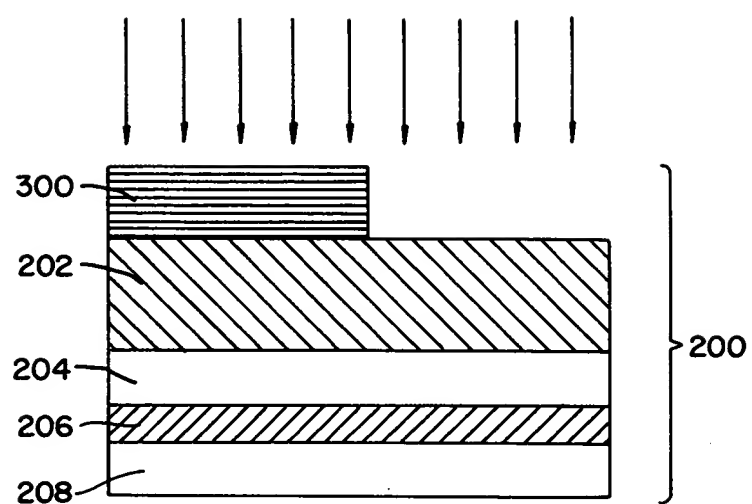
**FIG. 1A.**



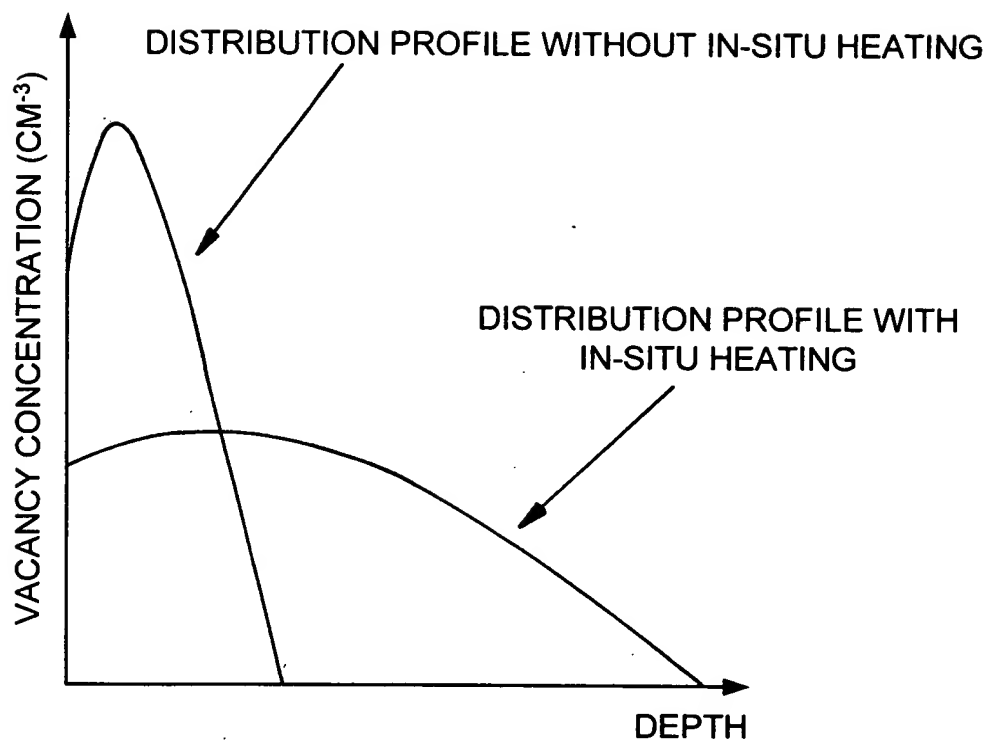
**FIG. 1B.**

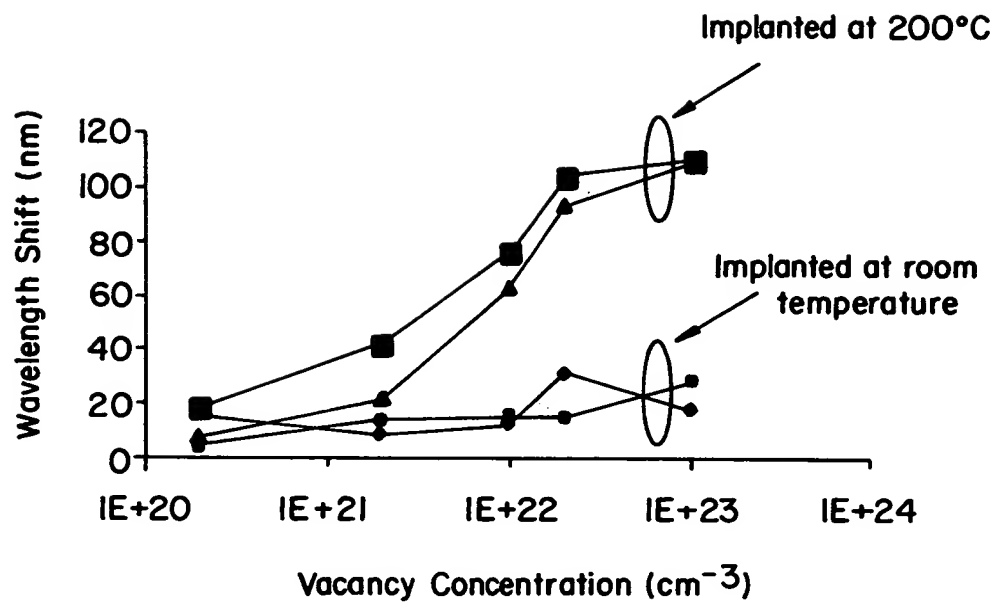


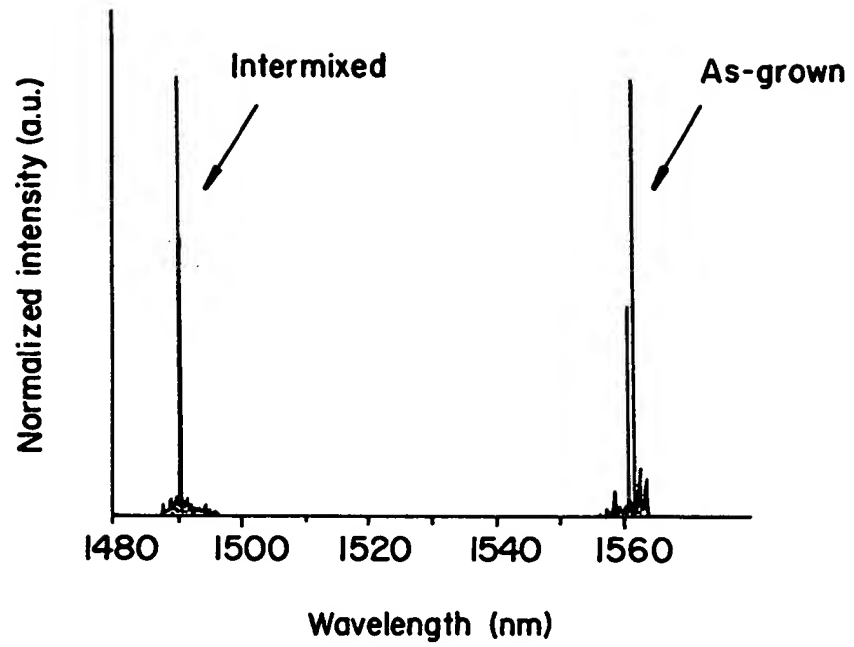
**FIG. 2.**



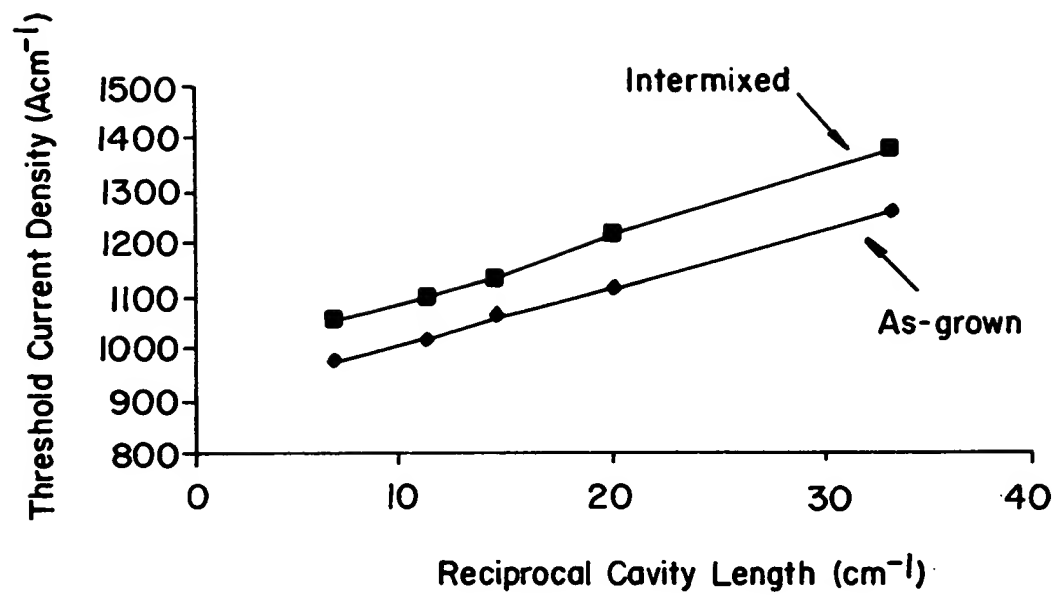
**FIG. 3.**

**FIG. 4.**

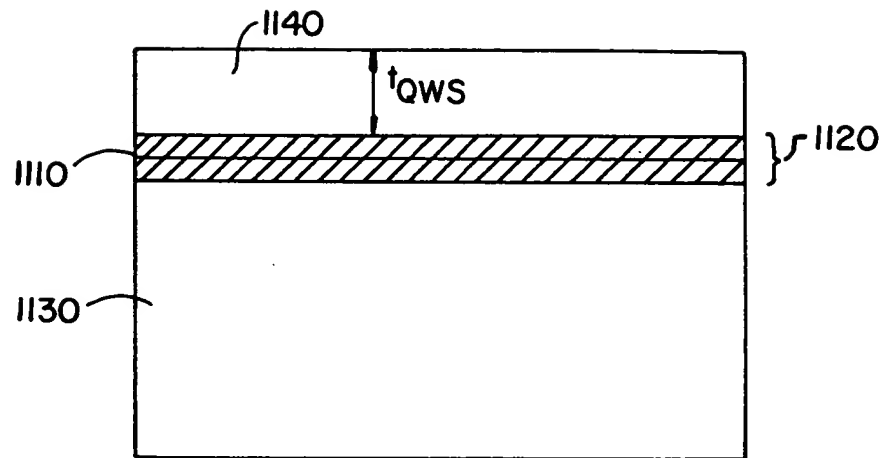
**FIG. 5.**

**FIG. 6.**

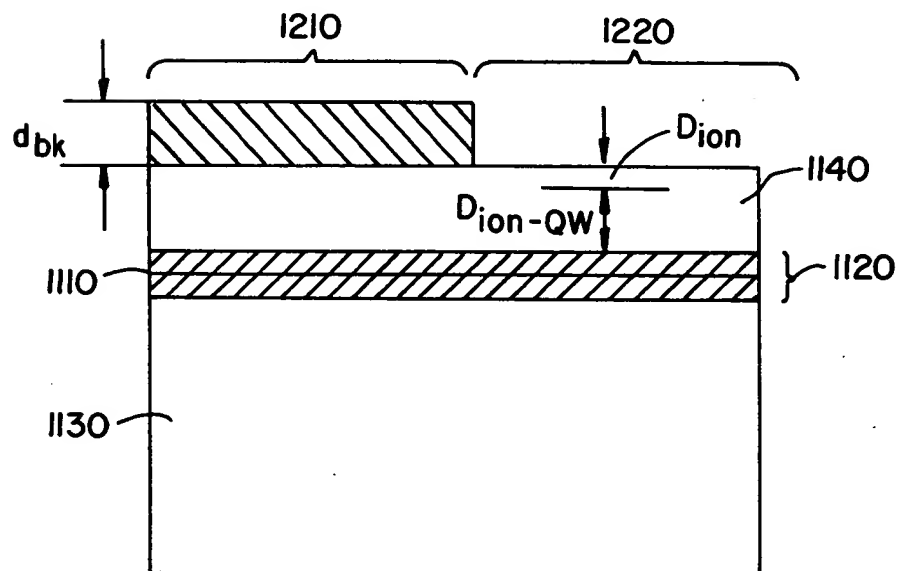


**FIG 7.**

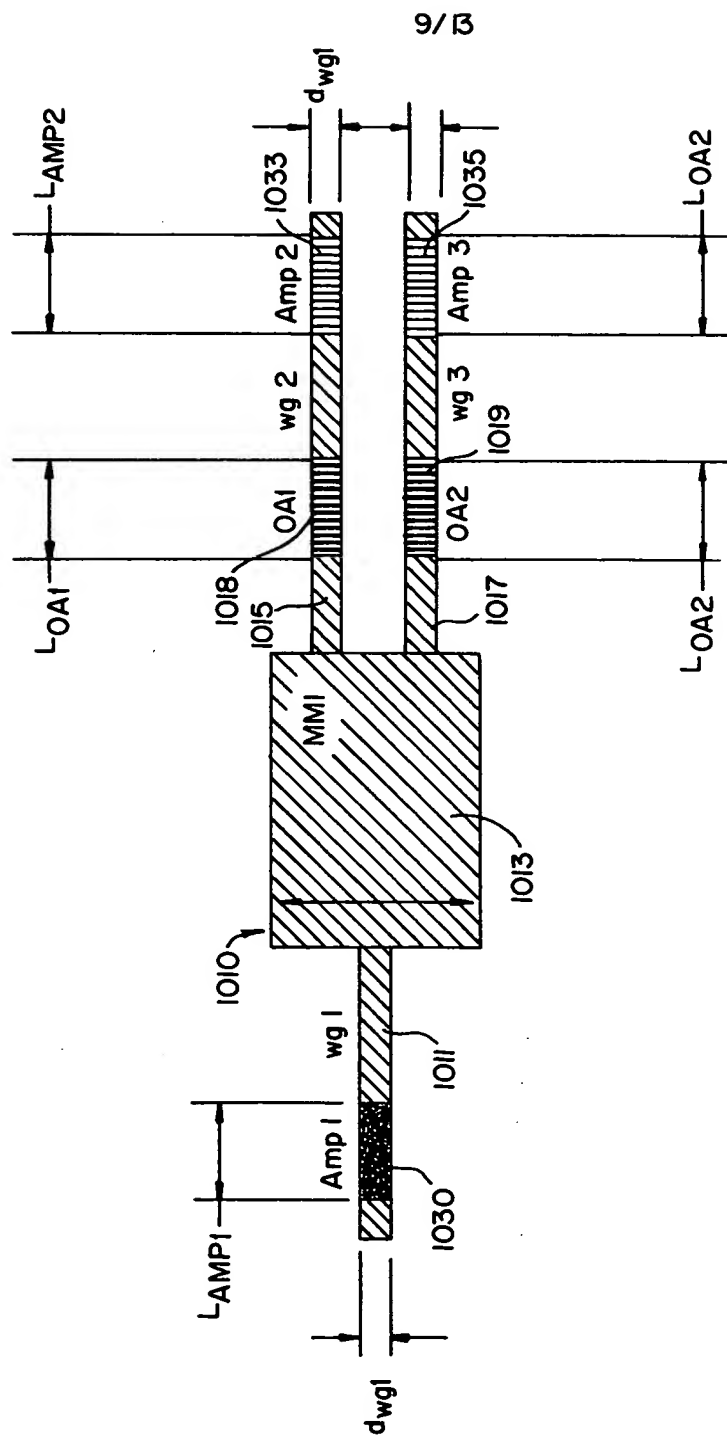
8/13



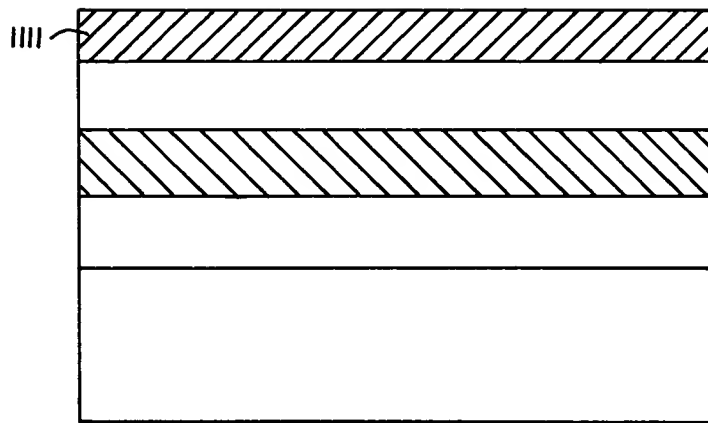
**FIG. 8A.**



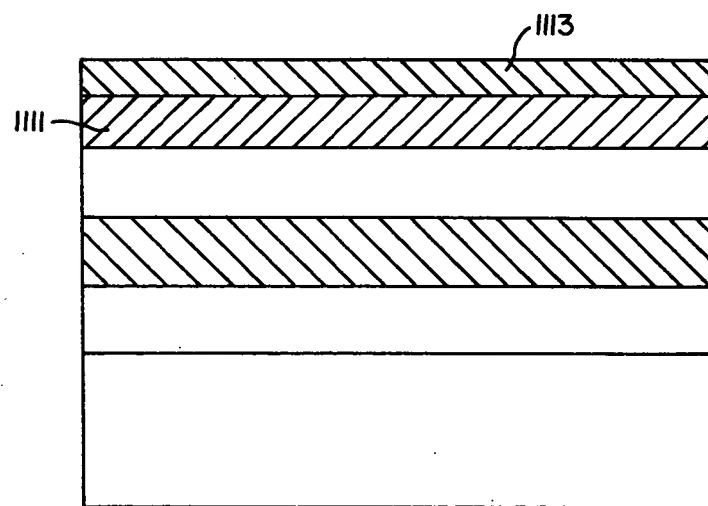
**FIG. 8B.**



**FIG. 9.**



**FIG. 10A.**



**FIG. 10B.**

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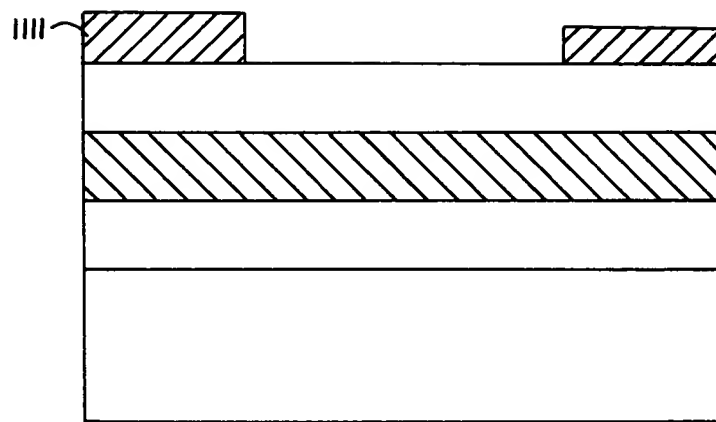


FIG. 10C.

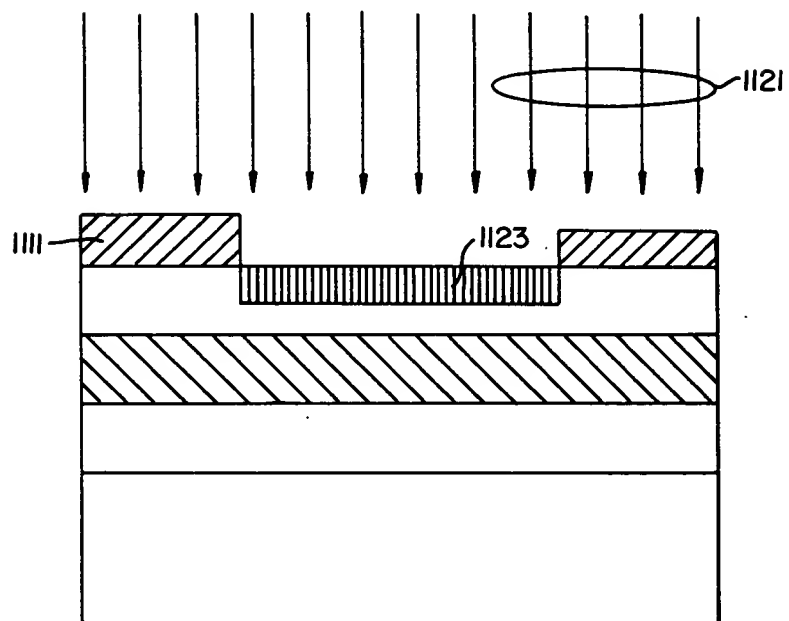
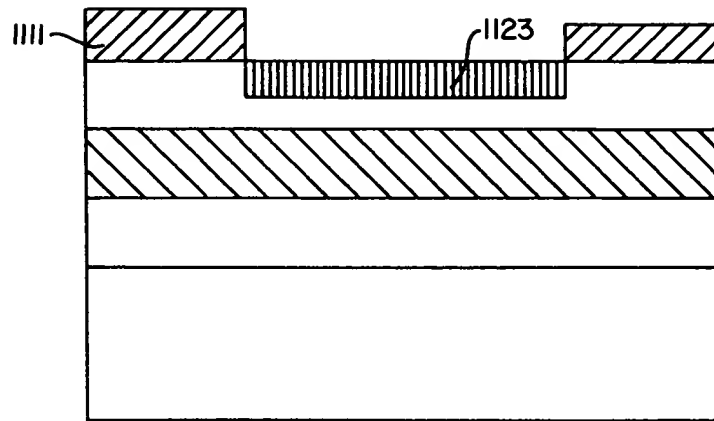
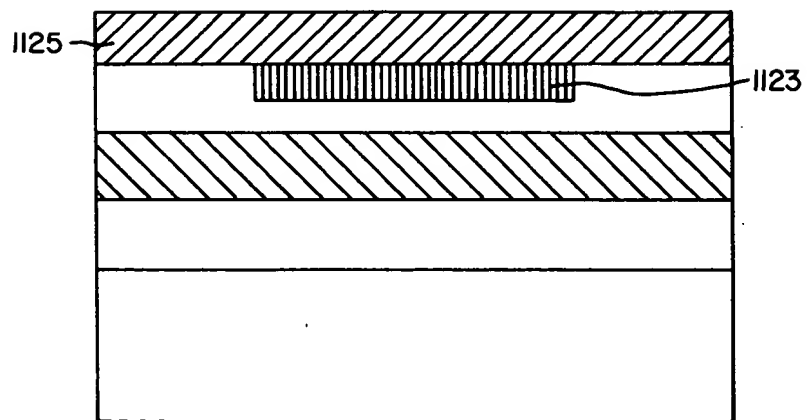


FIG. 10D.

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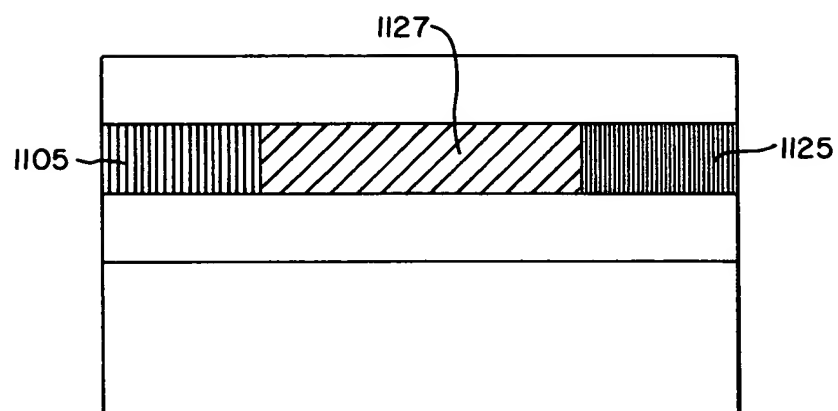


**FIG. 10E.**

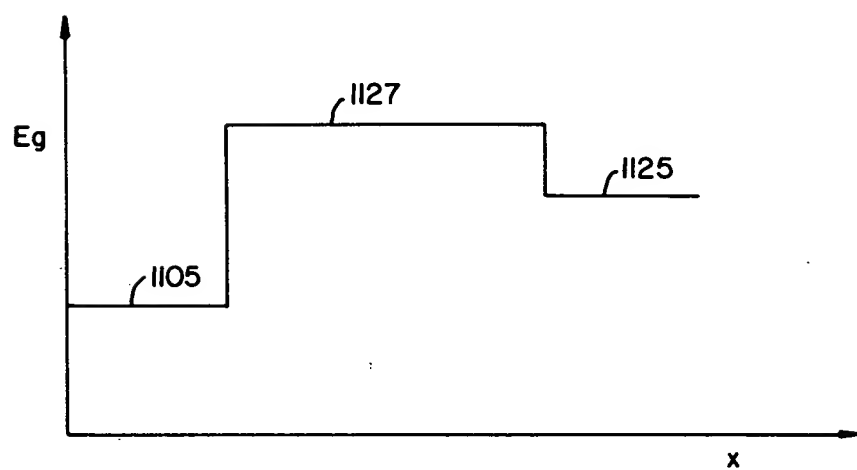


**FIG. 10F.**

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**FIG. 10G.**



**FIG. 10H.**